



NEWS

Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
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Release Date: January 8, 2002

Release Number: S.C. 01/02

SUMMARY OF CASES ACCEPTED DURING THE WEEK OF DECEMBER 31, 2001-JANUARY 4, 2002

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#02-01 People v. Gutierrez, S102162. (B145089; unpublished opinion.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. This case concerns (1) whether the defendant was “voluntarily absent” from his trial within the meaning of Penal Code section 1043, subdivision (b)(2), permitting the trial court to conduct the trial without him, where he refused to be brought into the courtroom from the courthouse lockup after trial had commenced, and (2) whether the trial court was obligated to take a personal waiver from the defendant of his right to be present at trial.

#02-02 In re Marriage of Harris, S101836. (D036144; 92 Cal.App.4th 499.) Petition for review after the Court of Appeal reversed an order for grandparent visitation rights under Family Code section 3104. This case presents issues concerning the burden of proof on a petition for grandparent visitation rights, the standards governing such a petition, and whether the child’s constitutional rights of liberty, association and privacy must be considered along with the parental right to exercise parental authority.

#02-03 People v. Abasta, S102143. (B145552; 92 Cal.App.4th 896.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

(over)

The court ordered briefing deferred pending decision in Manduley v. Superior Court, S095992 (#01-42), which concerns the validity of the Gang Violence and Juvenile Crime Prevention Initiative (Prop. 21, Primary Elec. (Mar. 7, 2000)).

#02-04 Velazquez v. Metropolitan Water District, S101248. (E025952; unpublished opinion.) Petition for review after the Court of Appeal affirmed and reversed the summary judgments in a civil action. The court ordered briefing deferred pending decision in Hooker v. Department of Transportation, S091601 (#00-139), which concerns whether under the decisions in Privette v. Superior Court (1993) 5 Cal.4th 689, Toland v. Sunland Housing Group, Inc. (1998) 18 Cal.4th 253, and Camargo v. Tjaarda Dairy (2001) 25 Cal.4th 1235, an employee of an independent contractor is barred from pursuing a lawsuit against the hirer of the independent contractor on the theory the hirer negligently exercised control it had retained.

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